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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/003,077	11/02/2001	Glory F. Ceman	KCC 4776 (17,047)	5328
321	7590	12/01/2003	EXAMINER	
SENNIGER POWERS LEAVITT AND ROEDEL ONE METROPOLITAN SQUARE 16TH FLOOR ST LOUIS, MO 63102			AHMAD, NASSER	
			ART UNIT	PAPER NUMBER
			1772	
DATE MAILED: 12/01/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

CLO 11

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/003,077	CEMAN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Nasser Ahmad	1772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 08 September 2003.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 25-52 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 25-52 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. §§ 119 and 120

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) The translation of the foreign language provisional application has been received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) <input type="checkbox"/> Other: _____ .

**DETAILED ACTION**

***Rejections maintained***

1. Claims 25-37 are rejected under 35 USC 103(a) as being unpatentable over Beal in view of Cole for reasons of record in paper no. 9, paragraph-3, mailed on May 6, 2003.

***Response to Arguments***

2. Applicant's arguments filed September 8, 2003 have been fully considered but they are not persuasive.

Applicant argues that Beal and Cole fails to teach that the indicia is directed to communicating a message to the user related to at least one of motivating the user, entertaining the user, educating the user and inspiring the user. This not deemed to be convincing because the liner of Cole is provided with, and as acknowledged the applicant in page-10 of amendment filed on 09/08/2003, printed indicia such as logo, decorative design, instruction for use, etc., the decorative design and/or the logo is interpreted as communicating motivating, entertaining, educating or inspiring message to the user. This is because the broadest possible reasonable meaning is applied to the printed indicia. Applicant should note that a decorative design would provide for motivating and entertaining the user. While a logo would inspire its use by the user.

Applicant also argues that it appears that the examiner did not give any patentable weight to the claimed limitations regarding the indicia. This is not found to be

persuasive because, as per the last office action, patentable weight has been given to the printed indicia and the specific message is given its broadest reasonable interpretation and the limitations have been found to be obvious over the applier prior art.

These grounds of explanations apply not only to claims 25-37, but also apply a fortiori to the newly submitted claims 38-52.

Thus, in the absence of any evidence to the contrary, it remains the examiner's position that the instant claimed invention would have been obvious over the prior art of record discussed above.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 38-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beal in view of Cole.

Beal relates to a laminated structure (10) which is a feminine care absorbent product. The product structure comprises a body (16) having a peripheral edge, a first side, a second opposite side, an adhesive attachment means (36) and release paper (46) covering the adhesive. A plurality of laminated structure can be provided in a package or container with instructions provided thereon (col. 2, lines 22-37). However,

Beal fails to teach that release paper has printed indicia thereon. Cole discloses a laminated adhesive structure, including release paper which covers the unprotected adhesive. The outer side of the release paper is provided with indicia such as logo, decorative design, instructions, etc. to promote and assist in the use of the product. Therefore, it would have been obvious to one having ordinary skill in the art to utilize Cole's teaching of using printed indicia on the release paper in the invention of Beal to promote the product in that it provides for inspiration to use the product, entertains and motivates the user to use the product, etc.

### ***Conclusion***

**5. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nasser Ahmad whose telephone number is (703) 308-4424. The examiner can normally be reached on Monday through Thursday from 7:30AM to 5:00PM. The examiner can also be reached on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached on 308-4251. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

*Nasser Ahmad*  
Nasser Ahmad  
Primary Examiner  
Art Unit 1772

N. Ahmad.

November 20, 2003.